

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

James S. Burgett, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Kenneth L. Bowman
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE CONSTRUCTION OF UP TO 400 TIMESHARE UNITS ON APPROXIMATELY 25.1 ACRES LOCATED ON THE SOUTH SIDE OF PENNIMAN ROAD

WHEREAS, King's Creek Developers, LLC, has submitted Application No. UP-646-04 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 11, Number 11) of the York County Zoning Ordinance, to authorize the construction of a maximum of 400 timeshare units on approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F (GPIN# I14a-0471-2628 and I14c-0668-2083); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of ____, 2005, that Application No. UP-646-04 be, and it hereby is, approved to authorize a Special Use Permit for the construction of a maximum of 400 timeshare units on approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F (GPIN# I14a-0471-2628 and I14c-0668-2083) and more fully identified and described as follows:

All of that piece or parcel of land situated in the Magruder district of York County, VA containing 25.1456 acres and more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Penniman Road, State Route 641, said point being the common corner between the property herein described and property now or formerly owned by Lawrence I. Jones. Thence from said point of being along a curve to the right having a radius of 715.00' and an arc length of 50.02' to a point; thence S 26° 44' 40" E, 351.50' to a point; thence N 63° 15' 20" E, 180.69' to a point; thence S 22° 43' 40" E, 32.83' to a point; thence N 45° 00' 23" E, 7.50' to a point; thence S 44° 49' 37" E, 224.21' to a point; thence N 45° 10' 23" E, 249.33' to a point; thence S 44° 57' 45" E, 111.48' to a point; thence S 44° 57' 45" E, 232.26' to a point; thence S 41° 52' 45" E, 289.41' to a point; thence S 41° 29' 45" E, 59.58' to a point; thence S 44° 21' 53" E, 124.54' to a point; thence S 31° 31' 01" E, 27.01' to a point; thence S 31° 41' 53" E, 37.93' to a point; thence S 12° 03' 01" E, 115.13' to a point; thence S 26° 32' 55" E, 143.74' to a point; thence S 09° 16' 58" E, 235.50' to a point; thence S 56° 34' 50" W, 230.74' to a point; thence N 76° 38' 13" W, 189.81' to a point; thence N 51° 01' 51" W, 328.64' to a point; thence S 73° 16' 35" W, 167.41' to a point; thence N 53° 05' 20" W, 87.91' to a point; thence N 80° 39' 21" E, 89.09' to a point; thence N 52° 47' 00" W, 160.01' to a point; thence N 37° 42' 56" W, 280.28' to a point; thence N 31° 41' 51" W, 201.60' to a point; thence N 26° 55' 57" W, 47.61' to a point; thence N 26° 38' 25" W, 92.06' to a point; thence N 19° 43' 25" W, 54.28' to a point; thence N 63° 15' 25" E, 100.13' to a point; thence N 26° 44' 40" W, 166.48' to a point; thence N 49° 17' 00" W, 98.64' to a point; thence N 47° 22' 10" E, 195.27' to a point; thence N 26° 44' 40" W, 189.79' and returning to the Point of Beginning.

BE IT FURTHER RESOLVED that approval of this use permit shall be subject to the following conditions:

1. This Special Use Permit shall authorize the construction of a maximum of 400 timeshare units on approximately 25.1 acres of land located on the south side of

Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F (GPIN# I14a-0471-2628 and I14c-0668-2083).

2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to the commencement of any development or land clearing activities on the site. Such site plan shall be in substantial conformance with the "King's Creek Plantation, Jones Acquisition Exhibit," prepared by Landmark Design Group and dated January 6, 2005, supplemented by the applicant's narrative description titled "King's Creek Plantation: Jones Property Expansion," dated January 27, 2005, and the building rendering entitled "SPI & SPJ Building Elevation, Kings Creek Plantation Jones Tract" and dated January 6, 2005." Copies of all three documents shall remain on file in the Planning Division.
3. The maximum number of timeshare units, including "lockout units," shall be 400.
4. No buildings on the subject property shall exceed four (4) stories in height.
5. On-site parking to serve the development shall be provided at a minimum ratio of 1.3 spaces per dwelling unit.
6. The Zoning Administrator shall be authorized to require the developer to conduct a signal warrant analysis of the intersection of Tranquility Drive, Penniman Road, and Route 199 prior to the approval of any site plan for development of the property. In any event, a traffic signal warrant analysis shall be required prior to approval of the 1,101st unit in the project, if a signal has not yet been installed.
7. The developer shall provide a gated access from the subject property to Penniman Road for emergency vehicles only. No other vehicular access from the subject property to Penniman Road shall be permitted either during or after the construction process.
8. Landscaping shall be provided on both sides of the afore-mentioned gated emergency access in accordance with the planting ratios for a Type 25 (25') transitional buffer in accordance with the standards set forth in Section 24.1-243 of the York County Zoning Ordinance.
9. The entire development shall be served by public water and sanitary sewer.
10. The developer shall submit a Natural Resources Inventory in accordance with the Environmental Management Area Overlay District standards set forth in Section 24.1-372(d) of the Zoning Ordinance.

11. The timeshare resort shall consist only of residential units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.
12. Permanent year-round occupancy of any units by any individual or family other than that of a resident manager or caretaker and his or her family shall not be permitted.
13. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.
14. All streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
15. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.